

DOCUMENT RESUME

03863 - [A2733957]

[Untimely Protest against Cancellation of Invitation for Bids].  
B-190131. September 26, 1977. 1 pp.

Decision re: Midwest Specialties; by Milton Socciar (for Paul G. Denbling, General Counsel).

Issue Area: Federal Procurement of Goods and Services (1900).

Contact: Office of the General Counsel: Procurement Law I.

Budget Function: National Defense: Department of Defense -  
Procurement & Contracts (058).

Organization Concerned: Department of the Army: Army Troop  
Support and Aviation Materiel Readiness Command.

Authority: 4 C.F.R. 20.2(b) (2).

The protester objected to the cancellation of an invitation for bids and the issuance of a new solicitation for the same requirement. The protest was untimely and not for consideration on its merits since the basis for the protest, the cancellation of the invitation for bids and the resolicitation of the requirements, was known for more than 10 days prior to the date the protest was filed. (Author/SC)

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**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D. C. 20548

*See  
Protest*

FILE: B-190131

DATE: September 26, 1977

MATTER OF: Midwest Specialties

**DIGEST:**


Protest is untimely and not for consideration on merits where basis for protest, cancellation of invitation for bids and resolicitation of requirements was known more than 10 days prior to protest filed on September 14, 1977.

Midwest Specialties (Midwest) has protested the cancellation of invitation for bids (IFB) DAAK01-77-B-5276, issued by the United States Army Troop Support and Aviation Materiel Readiness Command, and the issuance of a new solicitation, IFB DAAK01-77-B-572<sup>c</sup>, for the same requirement.

IFB No. DAAK01-77-B-5276 was issued on March 21, 1977, for the procurement of 5,966 side and roof panels, NSN 5450-00-526-4565. Bids were opened on April 21, 1977. None of the bids were accepted within the specified 60-day acceptance period. The solicitation was canceled and Midwest was so advised by letter dated August 15. The requirement was reissued on August 19 under the second IFB cited above on which Midwest also bid. Bids for the second solicitation were opened on September 8, 1977, and Midwest was the second low bidder. Midwest now contends that the first solicitation should be reinstated and award made on the basis of the first solicitation. Midwest's protest was received in our Office on September 14, 1977.

Our Bid Protest Procedures provide that protests "shall be filed not later than 10 [working] days after the basis for protest is known or should have been known, whichever is earlier." 4 C.F.R. § 20.2(b)(2) (1976). It is clear from the record that Midwest was aware of the basis for its protest more than 10 days before its protest was filed with our Office on September 14.

Midwest's protest, therefore, is untimely and not for consideration on the merits.

*for*   
Paul C. Dembling  
General Counsel